IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

Bail Appl..No. 7388 of 2007()

CRIME NO.83/2007 OF AYYAMPUZHA POLICE STATION

PETITIONERS:

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1. SHIJAN, S/O.JOSE, PANIKULAM HOUSE,
   CHULLY KARA, AYYAMPUZHA VILLAGE,
   ALUVA TALUK, ERNAKULAM DISTRICT.

2. BINOY, S/O.VARGHESE, KILIYALKKUDY
   HOUSE, CHULLY KARA, AYYAMPUZHA VILLAGE,
   ALUVA TALUK, ERNAKULAM DISTRICT.

3. SOJAN, S/O.DEVASSY, PARAKKA HOUSE,
   CHULLY KARA, AYYAMPUZHA VILLAGE,
   ALUVA TALUK, ERNAKULAM DISTRICT.

4. SINTO, S/O.ANTHONY, AALUKKA HOUSE,
   CHULLY KARA, AYYAMPUZHA VILLAGE,
   ALUVA TALUK, ERNAKULAM DISTRICT.

5. RATHEESH, S/O.SREEDHARAN, THANDASSERY
   HOUSE, CHULLY KARA, AYYAMPUZHA VILLAGE,
   ALUVA TALUK, ERNAKULAM DISTRICT.

6. PAULJO, S/O.URUMESE, NJALIAN HOUSE,
   CHULLY KARA, AYYAMPUZHA VILLAGE, ALUVA TALUK,
   ERNAKULAM DISTRICT.

7. RAJU, S/O.OUSEPH, KILIYALKKUDY HOUSE,
   CHULLY KARA, AYYAMPUZHA VILLAGE, ALUVA TALUK,
   ERNAKULAM DISTRICT.

8. SHIJU, S/O.JOSE, PANIKULAM HOUSE,
   CHULLY KARA, AYYAMPUZHA VILLAGE,
   ALUVA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.SUNIL CYRIAC

RESPONDENT :

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, AYYAMPUZHA POLICE
STATION (CRIME NO.83/2007), THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7388 OF 2007

Dated this the 30th day of November, 2007

ORDER

Application for anticipatory bail. The petitioners apprehend arrest in Crime No.83/07 of the Ayyampuzha Police Station. There are 8 petitioners.

2. The learned Public Prosecutor, after taking instructions, submits that altogether there are 8 accused persons. Accused 1 to 6 are the petitioners 1 to 6 herein. Petitioners 7 and 8 have not been arrayed as accused. Some other persons have been arrayed as accused 7 and 8. In any view of the matter, this petition under Sec.438 of the Cr.P.C. is not maintainable as all the offences alleged in the said crime are bailable as can be seen from the petition filed by the petitioners.

3. I take note of and accept the submission of the

learned Public Prosecutor that no non-bailable offence is alleged against any of the accused in the above said crime. The petitioners can now appear before the police or the learned Magistrate and claim bail. This petition under Sec.438 of the Cr.P.C. is, in these circumstances, found to be not necessary or maintainable.

4. This petition is accordingly dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge